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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,791	02/11/2000	Yoshinobu Nakamura	1046.1210/JDH	5681

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EXAMINER

SHRADER, LAWRENCE J

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 07/07/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/502,791

Applicant(s)

NAKAMURA, YOSHINOBU

Examiner

Lawrence Shrader

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 11-13 and 16 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is in response to the amendment filed April 21, 2003.

#### *Restriction*

2. Newly submitted claims 11 – 13, and 16 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 1 – 10, and 14 – 15 are concerned with translating, judging, and writing addresses.

Claims 11 – 13, and 16 are concerned with encoding source code and replacing an invalid address with a valid address.

Each of the inventions has separate utility such as in a system for translation of an address by judging whether it is obtained from a label, and writing the address based on the label information, that does not use the other invention since the claims in each group recite limitations different from the other invention, and has no limitations common between them. See MPEP § 806.05(d).

Accordingly, claims 11 – 13, and 16 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP §821.03.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

Art Unit: 2124

application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

***Drawings***

4. The drawing objections made in the prior office action are hereby withdrawn in view of the amendments.

***Specification***

5. The specification objections made in the prior office action are hereby withdrawn in view of the amendments.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1 – 7; 8 – 10; 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura, Japanese Patent No. JP405100864A in view of Gan et al., U.S. Patent 5,878,238 (hereinafter referred to as Gan).

**In regard to claim 1:**

*“A program processing unit judging whether or not the address is obtained from the label...;”* Nakamura discloses a method whereby a judgment (or a decision) is made concerning the conversion of a label address during the processing of a program (Abstract).

*“A label address translating unit performing an exception handling for writing an address ...”* Nakamura discloses a method whereby a judgment (or a decision) is made concerning the conversion of a label address during the processing of a program (Abstract). If a label is encountered during the code assembly the program, a table look-up is implemented to obtain and write a physical address. The use of an exception is not explicitly specified in Nakamura. However, Gan teaches the use of an exception handler to look up an address in a table. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the Nakamura invention (judging the content of an address label, implementing an address table look-up, and writing the address) with an exception handler as taught by Gan to lookup and write the address when judged necessary by the Nakamura invention. This modification would be obvious because one of ordinary skill would recognize the exception can be thrown when it is judged that the address is not obtained from the label and the lookup/writing process is then handled by the dedicated exception function in order improve processor performance by efficiently providing the effective address.

**In regard to claim 2, incorporating the rejection of claim 1:**

*“...said label address translating unit uses a table showing a relationship between the label and address.”* Nakamura discloses a table, which provides the relationship between the label and the address (Abstract).

**In regard to claim 3**, incorporating the rejection of claim 1:

*“...said program processing unit...judges that the address is not obtained from the label.”* Nakamura teaches that a decision unit determines (judges) that a label must be converted to a physical address (Abstract).

**In regard to claims 4 – 6** (the method), rejected for the same reasons put forth in the rejection of claims 1 – 3 (the device).

**In regard to claim 7** (storage medium), rejected for the same reasons put forth in the rejection of claim 1 (the device) above.

**In regard to claim 8:**

Rejected for the same reasons put forth in the rejection of claim 1. The same exception process could be implemented whether the target program is interpreted or compiled.

**In regard to claim 9** (a method), rejected for the same reasons put forth in the rejection of claim 8 (a device).

**In regard to claim 10** (computer medium), rejected for the same reasons put forth in the rejection of claim 8 (a device).

**In regard to claim 14:**

Rejected for the same reasons put forth in the rejection of claim 1. The same judging and exception handling for writing an address could be implemented while the target program is executed and the addresses dynamically assigned.

Art Unit: 2124

**In regard to claim 15:**

Rejected for the same reasons put forth in the rejection of claim 1. The same judging and exception handling for writing an address could be implemented if the target program is processed either by an interpreter or by a compiler rather than a dynamic configuration as in claim 14.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (703) 305-8046. The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lawrence Shrader  
Examiner  
Art Unit 2124

June 26, 2003

*Kakali Chaki*  
**KAKALI CHAKI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**